

WORCESTER SUPERIOR COURT
Case Summary
Civil Docket

WOCV2005-00881
Gauthier v SunHealth Specialty Services Inc et al

File Date	05/16/2005	Status	Disposed: transfered to other court (dtrans)
Status Date	07/26/2005	Session	C - Civil C (16 Worcester)
Origin	1	Case Type	B22 - Employment Discrimination
Lead Case		Track	F

Service	08/14/2005	Answer	10/13/2005	Rule12/19/20	10/13/2005
Rule 15	10/13/2005	Discovery	03/12/2006	Rule 56	04/11/2006
Final PTC	05/11/2006	Disposition	07/10/2006	Jury Trial	Yes

PARTIES

Plaintiff
Wendy Gauthier
7 Grafton Street
Apt 2
Active 05/16/2005

Defendant
SunHealth Specialty Services Inc
101 Sun Avenue
Albuquerque, NM 87101
Served: 07/01/2005
Answered: 07/19/2005
Answered 07/19/2005

Private Counsel 555474
Michael O Shea
Law Office of Michael O Shea
451 Main Street
Wilbraham, MA 01095
Phone: 413-596-8005
Fax: 413-596-8095
Active 05/16/2005 Notify

Private Counsel 634062
Michael Williams
Lawson & Weitzen
88 Black Falcon Avenue
Suite 345
Boston, MA 02210-2414
Phone: 617-439-4990
Fax: 617-439-3987
Active 07/19/2005 Notify

Private Counsel 638180
Robert J Roughsedge
Lawson & Weitzen
88 Black Falcon Avenue
Suite 345
Boston, MA 02210-2414
Phone: 617-439-4990
Fax: 617-439-3987
Active 07/19/2005 Notify

Private Counsel 555988
K Scott Griggs
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Phone: 617-439-4990
Fax: 617-439-3987
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WORCESTER SUPERIOR COURT
Case Summary
Civil Docket

WOCV2005-00881
Gauthier v SunHealth Specialty Services Inc et al

Defendant

SunBridge Healthcare Corporation
101 Sun Avenue
Albuquerque, NM 87101
Served: 07/01/2005
Answered: 07/19/2005
Answered 07/19/2005

*** See Attorney Information Above ***

Private Counsel 638180

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ENTRIES

Date	Paper	Text
05/16/2005	1.0	Complaint civil action cover sheet and Rule 29 statement filed-CJ
05/16/2005		Origin 1, Type B22, Track F.
05/16/2005		Filing fee paid in the amount of \$240.00 including \$15.00 surcharge and \$20.00 security fee(\$275.00).
07/01/2005	2.0	SERVICE RETURNED: Summons and Complaint to SunBridge Healthcare Corporation(Defendant) person in charge
07/01/2005	3.0	SERVICE RETURNED: Summons and Complaint to SunHealth Specialty Services Inc(Defendant) person in charge
07/19/2005	4.0	ANSWER: SunHealth Specialty Services Inc(Defendant)
07/19/2005	5.0	ANSWER: SunBridge Healthcare Corporation(Defendant)
07/26/2005	6.0	Defts' notice of REMOVED to US District Court of Massachusetts

EVENTS

A true copy by photostatic process
Attest: 

CIVIL ACTION
COVER SHEET

05-0881 C

Case 4:05-cv-4018-FDS Document 3 Filed 08/12/05 Page 3 of 21
Trial Court of Massachusetts
Superior Court Department
County: Worcester

PLAINTIFF(S)

Wendy Gauthier

DEFENDANT(S)

SunHealth Specialty Services, Inc. and
SunBridge Healthcare Corporation

ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE (413) 596-8005

Michael O. Shea, Esq.

451 Main St., Wilbraham MA 01095

Board of Bar Overseers number: BBO # 555474

ATTORNEY (if known)

Origin code and track designation

Place an x in one box only:

☒ 1. F01 Original Complaint

☐ 2. F02 Removal to Sup.Ct. C.231,s.104
(Before trial) (F)

☐ 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)

☐ 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)

☐ 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)

☐ 6. E10 Summary Process Appeal (X)

CODE NO.

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)
TYPE OF ACTION (specify) TRACK IS THIS A JURY CASE?

B22

Employment
Discrimination

(F)

(X) Yes

() No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS

(Attach additional sheets as necessary)

A. Documented medical expenses to date:

1. Total hospital expenses \$
2. Total Doctor expenses \$
3. Total chiropractic expenses \$
4. Total physical therapy expenses \$
5. Total other expenses (describe) \$

Subtotal \$

B. Documented lost wages and compensation to date \$

C. Documented property damages to date \$

D. Reasonably anticipated future medical and hospital expenses \$

E. Reasonably anticipated lost wages \$

F. Other documented items of damages (describe) \$

G. Brief description of plaintiff's injury, including nature and extent of injury (describe) \$

\$
TOTAL \$

Tort ~~CONTRACT~~ CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

Employment discrimination based on sex, gender, handicap and pregnancy. Damages include lost wages and benefits, emotional distress, attorney's fees, among others.

In Excess of
TOTAL \$25,000.00

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

N/A

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record

DATE: 5/12/05

CIVIL ACTION COVER SHEET INSTRUCTIONS
SELECT CATEGORY THAT BEST DESCRIBES YOUR CASE

Contract		Real Property		Miscellaneous	
A01	Services, labor and materials (F)	C01	Land taking (eminent domain) (F)	E02	Appeal from administrative Agency G.L.c.30A (X)
A02	Goods sold and delivered (F)	C02	Zoning Appeal, G.L.c.40A (F)	E03	Action against Commonwealth /Municipality, G.L.c.258 (A)
A03	Commercial Paper (F)	C03	Dispute concerning title (F)	E05	All Arbitration (X)
A08	Sale or lease of real estate (F)	C04	Foreclosure of Mortgage (X)	E07	G.L.c.112,s.12S (Mary Moe) (X)
A12	Construction Dispute (A)	C05	Condominium lien & charges (X)	E08	Appointment of Receiver (X)
A99	Other (Specify) (F)	C99	Other (Specify) (X)	E09	General Contractor bond, G.L.c.149,s.29,29a (A)
TORT		EQUITABLE REMEDIES		E11	Workers's Compensation (X)
B03	Motor Vehicle Negligence (F)	D01	Specific performance of contract (A)	E12	G.L.c.123A,s.12(SDP Commitment) (X)
B04	Other negligence-personal injury /Property damage (F)	D02	Reach and Apply (F)	E14	G.L.c.123A,s.9(SDP Petition) (X)
B05	Products Liability (A)	D06	Contribution or Indemnification (F)	E15	Abuse Petition, G.L.c.209A (X)
B06	Malpractice-Medical (A)	D07	Imposition of Trust (A)	E16	Auto Surcharge Appeal (X)
B07	Malpractice - Other (Specify) (A)	D08	Minority Stockholder's Suit (A)	E17	Civil Rights Act,G.L.c.12,s.11H (A)
B08	Wrongful death, G.L.c.229,s.2A (A)	D10	Accounting (A)	E18	Foreign Discovery Proceeding (X)
B15	Defamation (Libel-Slander) (A)	D12	Dissolution of Partnership (F)	E19	Sex Offender Registry G.L.c. 178M,s.6 (X)
B19	Asbestos (A)	D13	Declaratory Judgment G.L.c. 231A (A)	E25	Pleural Registry (Asbestos cases) (F)
B20	Personal Injury-Slip & Fall (F)	D99	Other (Specify) (F)	E95	Forfeiture G.L.c.94C,s.47 (F)
B21	Environmental (F)			E96	Prisoner Cases (F)
B22	Employment Discrimination (F)			E97	Prisoner Habeas Corpus (X)
B99	Other (Specify) (F)			E99	Other (Specify) (X)

TRANSFER YOUR SELECTION TO THE FACE SHEET

EXAMPLE:

CODE NO.	TYPE OF ACTION (SPECIFY)	TRACK	IS THIS A JURY CASE?
B03	Motor Vehicle Negligence -Personal Injury	(F)	Yes

SUPERIOR COURT RULE 29

DUTY OF THE PLAINTIFF. The plaintiff or his/her counsel shall set forth, on the face sheet (or attach additional sheets as necessary), a statement specifying in full and itemized detail the facts upon which the plaintiff then relies as constituting money damages. A copy of such civil action cover sheet, including the statement as to the damages, shall be served on the defendant together with the complaint. If a statement of money damages, where appropriate is not filed, the Clerk-Magistrate shall transfer the action as provided in Rule 29(5)(C).

DUTY OF THE DEFENDANT. Should the defendant believe the statement of damages filed by the plaintiff in any respect inadequate, he or his counsel may file with the answer a statement specifying in reasonable detail the potential damages which may result should the plaintiff prevail. Such statement, if any, shall be served with the answer.

A CIVIL ACTION COVER SHEET MUST BE FILED WITH EACH COMPLAINT.

**FAILURE TO COMPLETE THIS COVER SHEET THOROUGHLY AND ACCURATELY
MAY RESULT IN DISMISSAL OF THIS ACTION.**

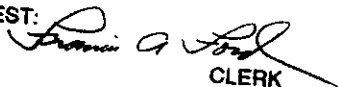
Attest:

Asst. Clerk

[Signature]


MAY 16 2005

ATTEST:


CLERK

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss.

SUPERIOR COURT
DOCKET NO.:05-0881 

WENDY GAUTHIER,


Plaintiff

v.

SUNHEALTH SPECIALTY
SERVICES, INC. and SUNBRIDGE
HEALTHCARE CORPORATION,

Defendants

COMPLAINT AND JURY DEMANDParties

- 6275-
1. The Plaintiff, Wendy Gauthier, is a natural person currently residing at 7 Grafton Street, Apartment 2, Millbury, Worcester County, Massachusetts.
 2. The Defendant, SunHealth Specialty Services, Inc. (hereinafter referred to as "SunHealth" or collectively as "Defendants"), is a corporation with a principle address of 101 Sun Avenue, Albuquerque, New Mexico.
 3. The Defendant, SunBridge Healthcare Corporation (hereinafter referred to as "SunBridge" or collectively as "Defendants"), is a corporation with a principle address of 101 Sun Avenue, Albuquerque, New Mexico. SunBridge operates a facility known as SunBridge Care and Rehabilitation for Sandalwood (hereinafter referred to as "Sandalwood"), is located at 3 Pine Street, Oxford, Worcester County, Massachusetts.
- 

Facts

4. The Plaintiff began her employment with the Defendants at the Sandalwood facility in or about December of 2003 as a full-time employee under the job title of Certified Nursing Assistant (CNA). Over the time of her employment, the Plaintiff always performed her job responsibilities well.
5. The Plaintiff was injured during the course of her employment while moving a patient. As a result of this injury, the Plaintiff went to the hospital and was treated for a strained muscle.
6. The Plaintiff believed that a worker's compensation claim should have been filed on her behalf.
7. The Plaintiff had initially requested light duty and was denied, while other employees had been granted light duty in the past.
8. The Defendants were aware that the Plaintiff was pregnant. The Plaintiff began experiencing complications with her pregnancy and informed management of the Defendants.
9. The Plaintiff requested a reasonable accommodation from the Defendants for complications related to her pregnancy. The Plaintiff asked the Defendants for time off from work and light duty and was denied.
10. The Plaintiff provided medical documentation to the Defendants regarding her pregnancy complications and her injury while at work.
11. When the Plaintiff attempted to return to work after her injury with medical documentation, the Plaintiff felt retribution and retaliation for being injured on the job and for requesting reasonable accommodation for her pregnancy.

12. Ultimately, the Plaintiff's employment was terminated on or about May 15, 2004 for allegedly committing a "no call-no show."
13. In fact, the Plaintiff had informed the Defendants of her scheduled absence and notified the Defendants of her replacement.
14. The Plaintiff believes that the reasons given by the Defendants for her termination are not credible and are a pretext.

Count I
(M.G.L. c. 151B - Handicap Discrimination and Harassment)

15. The Plaintiff incorporates herein the previous allegations set forth in this Complaint.
16. The Plaintiff is a qualified handicap person, pursuant to M.G.L. c. 151B and otherwise. The Plaintiff was also regarded as handicapped by the Defendants.
17. The Plaintiff's employment with the Defendants was terminated, and her employment with the Defendants was otherwise adversely affected, based upon the Plaintiff's handicap.
18. The Plaintiff was treated adversely and differently than her co-workers and she suffered a pervasive and hostile work environment based upon her handicap and disability.
19. The Plaintiff was severely and adversely affected by the Defendants' conduct and the failure of the Defendants to take reasonable steps to stop this conduct.

WHEREFORE, The Plaintiff, Wendy Gauthier, respectfully requests a judgment against the Defendants and for all damages available pursuant to M.G.L. c. 151B.

Count II
(M.G.L. c. 151B-Sex/Gender/Pregnancy Discrimination)

20. The Plaintiff incorporates herein the previous allegations set forth in this Complaint.
21. The discriminatory treatment of the Plaintiff, as described herein, violates the express

22. There is direct and circumstantial evidence of bias on the part of the Defendants, including, but not limited to, the evidence set forth above.
23. This environment and the conditions imposed upon the Plaintiff and the adverse action taken against the Plaintiff related to her sex and gender adversely affected the terms and conditions of her employment.
24. The Plaintiff was severely and adversely affected by the Defendants' conduct and the failure of the Defendants to take reasonable steps to stop this conduct.

WHEREFORE, the Plaintiff, Wendy Gauthier, respectfully requests a judgment against the Defendants and for all damages available pursuant to M.G.L. c. 151B.

Count III
(M.G.L. c. 151B –Retaliation)

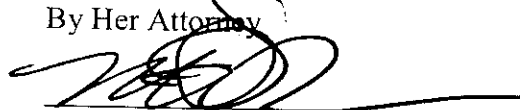
25. The Plaintiff incorporates herein the previous allegations set forth in this Complaint.
26. The Plaintiff was treated differently as to the terms and conditions of her employment and based upon her reporting of handicap, sex and gender discrimination.
27. The Plaintiff believes that she was terminated, at least in part, based upon her reporting of said discrimination.
28. This environment and the conditions imposed upon the Plaintiff related to and adversely affected the terms and conditions of her employment.
29. The Plaintiff was severely and adversely affected by the Defendants' conduct and the failure of the Defendants to take reasonable steps to ensure that this discriminatory conduct would not continue.

WHEREFORE, the Plaintiff, Wendy Gauthier, respectfully requests judgment against the Defendants and for all damages available pursuant to M.G.L. c. 151B.

**THE PLAINTIFF DEMANDS A JURY TRIAL ON ALL COUNTS SO TRIABLE
IN THE SUPERIOR COURT.**

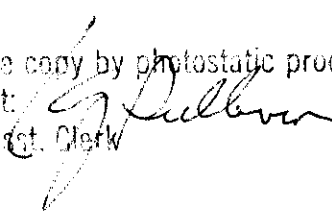
Respectfully submitted,

The Plaintiff
WENDY GAUTHIER
By Her Attorney



MICHAEL O. SHEA, ESQUIRE
BBO#555474
Law Office Of Michael O. Shea, P.C.
451 Main Street
Wilbraham, MA 01095
Telephone: (413) 596-8005
Facsimile: (413) 596-8095

Date: May 12, 2005

A true copy by photostatic process
Attest: 
Atst. Clerk

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court
Department of the Trial Court
of the Commonwealth
Civil Action

No. 05-0881 C

Wendy Gauthier

Plaintiff (s)

v.

SunHealth Specialty Services, Inc.
and SunBridge Healthcare
Corporation

Defendant (s)

SUMMONS

* To the above-named Defendant: SunHealth Specialty Services, Inc.

You are hereby summoned and required to serve upon
Michael D. Shea, Esq., plaintiff's attorney,
whose address is 451 Main St., Wilbraham MA 01095
an answer to the complaint which is herewith served upon you, within 20 days after
service of this summons upon you, exclusive of the day of service. If you fail to do so,
judgement by default will be taken against you for the relief demanded in the complaint.
You are also required to file your answer to the complaint in the SUPERIOR COURT
Department of the Trial Court at WORCESTER either before service upon plaintiff's
attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counter-
claim any claim which you may have against the plaintiff which arises out of the
transaction or occurrence that is the subject matter of the plaintiff's claim or you will
thereafter be barred from making such claim in any other action.

Barbara J. Rouse

Witness, [redacted] D. Esquire, at Worcester, the 28th
day of June in the year of our Lord two thousand and
five

FILED

JUL 06 2005

ATTEST:

Francis A. Ford
CLERK

Francis A. Ford
Clerk

NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption.
If a separate summons is used for each defendant, each should be addressed to that particular defendant.

PLEASE CIRCLE TYPE OF ACTION INVOLVED: TORT — MOTOR VEHICLE TORT —
CONTRACT — EQUITABLE RELIEF — CH. 93A — MEDICAL MALPRACTICE — OTHER.

*

NOTICE TO DEFENDANT: You need not appear personally in court to answer the complaint, but
if you claim to have a defense, either you or your attorney must serve a copy of your written
answer within 20 days as specified herein AND also file the original in the Clerk's Office, Superior
Court, Room 21.



Worcester County Sheriff's Office • P.O. Box 1066 • Worcester, MA 01613 • (508) 752-1100

Worcester, ss

07/05/2005

I hereby certify and return that on 07/01/2005 at 12:25pm I served a true and attested copy of the Summons and Complaint & Jury Demand, Civil Action Cover Sheet in this action in the following manner: To wit, by delivering in hand to KATHLEEN RAYMOND, agent, person in charge at the time of service for SUN HEALTH SPECIALTY SERVICES, INC. at 3 PINE ST, OXFORD, MA. Fees: Service 30.00, Travel 8.96, Conveyance 4.50, Attest 5.00 & Postage and Handling 1.00, Total fees: \$49.46

Deputy Sheriff Paul R Almstrom

Deputy Sheriff

N.B. TO PROCESS SERVER:

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX
ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

A true copy by photostatic process
Attest:
Asst. Clerk

, 20

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court
Civil Action

No.

Plaintiff

v.

Defendant

SUMMONS

(Mass. R. Civ. P. 4)

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court
Department of the Trial Court
of the Commonwealth
Civil Action

No.

05-0881 C

Wendy Gauthier

Plaintiff (s)

v.

SunHealth Specialty Services, Inc.
and SunBridge Healthcare
Corporation

Defendant (s)

SUMMONS

* To the above-named Defendant:

SunBridge Healthcare Corporation

You are hereby summoned and required to serve upon

Michael O. Shea, Esq.

plaintiff's attorney,

whose address is 451 Main St., Wilbraham MA 01095

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the SUPERIOR COURT Department of the Trial Court at WORCESTER either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counter-claim any claim which you may have against the plaintiff which arises out of the transaction of occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Barbara J. Rouse

Witness, [redacted] Esquire, at Worcester, the 28th day of June in the year of our Lord two thousand and five

FILED

JUL 06 2005

ATTEST:

Francis A. Ford
CLERK

Francis A. Ford
Clerk

NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
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*

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Worcester County Sheriff's Office • P.O. Box 1066 • Worcester, MA 01613 • (508) 752-1100
Worcester, ss

07/05/2005

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Deputy Sheriff Paul R Almstrom

Deputy Sheriff

N.B. TO PROCESS SERVER:

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX
ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

A true copy by photostatic process
Attest:
Atty: Clerk

, 20

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court
Civil Action

No.

Plaintiff

v.

Defendant

SUMMONS

(Mass. R. Civ. P. 4)

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court Department
C.A. No. 05-0881-C

WENDY GAUTHIER,

Plaintiff,

v.

SUNHEALTH SPECIALTY SERVICES, INC.
AND
SUNBRIDGE HEALTHCARE CORPORATION

Defendants.

FILED
ATTEST: JUL 19 2005
[Signature]
CLERK

ANSWER OF SUNBRIDGE HEALTHCARE CORPORATION

Parties

1. The Defendant, SunBridge Healthcare Corporation, lacks sufficient knowledge to either admit or deny the allegations contained in paragraph 1.
2. - 3. Admitted.

52

Facts

4. - 10. The Defendant, SunBridge Healthcare Corporation, lacks sufficient knowledge to either admit or deny the allegations contained in paragraphs 4. - 10.
11. Denied.
12. - 13. The Defendant, SunBridge Healthcare Corporation, lacks sufficient knowledge to either admit or deny the allegations contained in paragraphs 12. - 13.
14. Denied.

Count I

15. The Defendant incorporates herein the previous paragraphs as set forth in this Complaint.

16. The Defendant, SunBridge Healthcare Corporation, lacks sufficient knowledge to either admit or deny the allegations contained in paragraph 16.

17. Denied.

18. Denied.

19. Denied.

WHEREFORE, the Defendant respectfully requests that this Honorable Court dismiss Count I with prejudice;

Count II

20. The Defendant incorporates herein the previous paragraphs as set forth in this Complaint.

21. – 24. Denied.

WHEREFORE, the Defendant respectfully requests that this Honorable Court dismiss Count II with prejudice;

Count III

25. The Defendant incorporates herein the previous paragraphs as set forth in this Complaint.

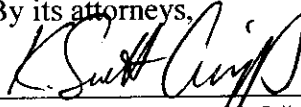
26. – 29. Denied.

WHEREFORE, the Defendant respectfully requests that this Honorable Court dismiss Count III with prejudice;

Defendant,

SunBridge Healthcare Corporation

By its attorneys,



K. Scott Griggs (BBO# 555988)

Robert J. Roughsedge (BBO# 638180)

Michael Williams (BBO# 634062)

Lawson & Weitzen, LLP

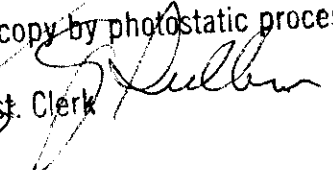
88 Black Falcon Avenue, Suite 345

Boston, MA 02210-1736

Tel: 617.439.4990

Fax: 617.439.3987

I hereby certify that a true and correct copy of the above
document was served upon (each party
appearing pro se and) the attorney of record
for each other party by mail - hand -
teletypewriter, on 7/12/05

A true copy by photostatic process
Attest: 
Asst. Clerk

FILED
Clerk's Office
U.S. District Court
District of MassachusettsDate 7-20-05
By Sherry Jones
Deputy ClerkIN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS

05-881C

WENDY GAUTHIER,

Plaintiff,

v.

SUNHEALTH SPECIALTY SERVICES, INC.
AND
SUNBRIDGE HEALTHCARE CORPORATION*Defendants.*

05-40119 FDS

FILED

JUL 28 2005

NOTICE OF REMOVAL

ATTEST:

Frances A. Smith
CLERK

To the Honorable Judges of said Court.

SunBridge Healthcare Corporation ("SHC"), and SunHealth Specialty Services, Inc. ("SSSI"), both New Mexico corporations, the Defendants in the above-entitled action, respectfully show to the Court:

1. The above action has been brought in the Superior Court, County of Worcester, and is now pending therein. Said action was initially served upon defendants on July 1, 2005 against SHC and SSSI, both New Mexico corporations.
2. The parties are diverse because the plaintiff is a citizen of the Commonwealth of Massachusetts, and the defendants SHC and SSSI are New Mexico corporations with their principal places of business in New Mexico.
3. Based on the claims the plaintiff alleges, it is anticipated that the plaintiff will seek damages in excess of the amount in controversy. Therefore, the matter in

I hereby certify on 7/20/05
foregoing document is true

- ☐ electronic docket in " " " "
- ☐ electronically filed
- ☒ original filed in my

Sarah A. Thorpe
Clerk, U.S. Dis
District of MasBy: Sherry Jones
Deputy Clerk

controversy exceeds, exclusive of costs and disbursements, the sum of \$75,000. No change of citizenship of parties has occurred since the commencement of this action.

4. Copies of all process, pleadings and orders served upon the petitioner are filed herewith.

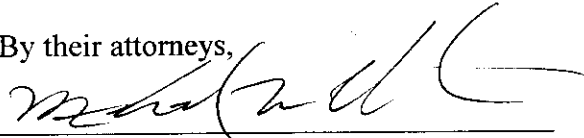
WHEREFORE, the defendant prays that this action be removed from state court to this court as provided by law.

Dated: July 18, 2005

Defendants,

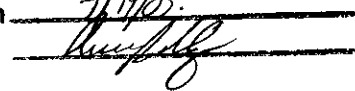
SunBridge Healthcare Corporation,
SunHealth Specialty Services, Inc.

By their attorneys,



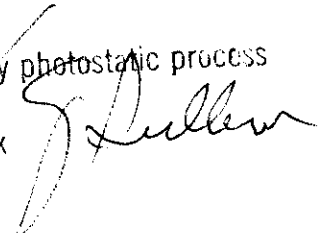
Michael Williams (BBO# 634062)
Lawson & Weitzen, LLP
88 Black Falcon Avenue, Suite 345
Boston, MA 02210-1736
Telephone: 617.439.4990
Facsimile: 617.439.3987

I hereby certify that a true copy of the above document was served upon (each party appearing pro se and) the attorney of record for each other party by mail - hand - telecopier, on 7/17/05.



A true copy by photostatic process

Attest:
Asst. Clerk



COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court Department
C.A. No. 05-0881-C

WENDY GAUTHIER,

Plaintiff,

v.

SUNHEALTH SPECIALTY SERVICES, INC.
AND
SUNBRIDGE HEALTHCARE CORPORATION

Defendants.

FILED
ATTEST: JUL 19 2005
[Signature]
CLERK

ANSWER OF SUNHEALTH SPECIALTY SERVICES, INC.

Parties

1. The Defendant, SunHealth Specialty Services, Inc. lacks sufficient knowledge to either admit or deny the allegations contained in paragraph 1.
2. - 3. Admitted.

Facts

4. - 10. The Defendant, SunHealth Specialty Services, Inc., lacks sufficient knowledge to either admit or deny the allegations contained in paragraphs 4. - 10.
11. Denied.
12. - 13. The Defendant, SunHealth Specialty Services, Inc., lacks sufficient knowledge to either admit or deny the allegations contained in paragraphs 12. - 13.
14. Denied.

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Count I

15. The Defendant incorporates herein the previous paragraphs as set forth in this Complaint.

16. The Defendant, SunHealth Specialty Services, Inc., lacks sufficient knowledge to either admit or deny the allegations contained in paragraph 16.

17. Denied.

18. Denied.

19. Denied.

WHEREFORE, the Defendant respectfully requests that this Honorable Court dismiss Count I with prejudice;

Count II

20. The Defendant incorporates herein the previous paragraphs as set forth in this Complaint.

21. – 24. Denied.

WHEREFORE, the Defendant respectfully requests that this Honorable Court dismiss Count II with prejudice;

Count III

25. The Defendant incorporates herein the previous paragraphs as set forth in this Complaint.

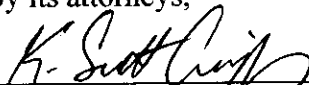
26. – 29. Denied.

WHEREFORE, the Defendant respectfully requests that this Honorable Court dismiss Count III with prejudice;

Defendant,

SunHealth Specialty Services, Inc.

By its attorneys,



K. Scott Griggs (BBO# 555988)

Robert J. Roughsedge (BBO# 638180)

Michael Williams (BBO# 634062)

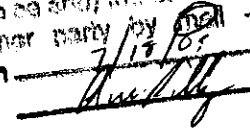
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